

## YORK TOWN BOARD MEETING

January 12, 2021

7:00 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith, Norman Gates and Frank Rose Jr.

Absent: None

Others: James Campbell (Town Attorney), George Worden Jr. (Highway Supt.), Sally Santora (Community Rep for Senator Gallivan's office), Carl Peter (Zoning & Code Officer), Dustin Geiger, Kirk Richenberg and Henry Fuller.

Supervisor Deming opened the Town Board Meeting at 7:00 p.m. and invited Councilman Smith to lead in the Pledge of Allegiance.

### **MINUTES**

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to approve the minutes of the December 28<sup>th</sup>, 2020 Close Out Meeting and January 1, 2021 Organizational Meeting. Voted on and approved, Yes-5, No-0.

### **HIGHWAY**

Mr. Worden reported the following for the Highway Department:

- The department has been salting as needed
- Maintenance for vehicles continue to take place
- We had one employee test positive for Coronavirus. As a department we all were tested as well as quarantined for a period. Fortunately no one else tested positive.

Councilman Smith asked if there is a plan for the existing potholes. Mr. Worden replied that the department will be patching next week.

### **WATER/SEWER**

Mr. Worden reported the following for the Water and Sewer Department:

- Water & Sewer bills have been mailed out
- An A-valve has been installed for Anderson Road. Ross Valve Co. will be sending out a representative tomorrow to set up and train our personnel

SEWER: all has been smooth at the Treatment Plant, they are keeping up with all duties and routine maintenance

## **PRIVILEGES OF THE FLOOR**

### 1) Sally Santora

Ms. Santora thanked the Board for the opportunity to speak this evening. Ms. Santora stated she is the community representative for Senator Patrick Gallivan, and due to Covid-19, the Senator is not able to visit locations as he previously had, so Sally is available to the community if assistance is needed. Ms. Santora commented that Annie Chwiecko is also still available but has stepped back a bit due to Covid as well. If the Senator's office can assist with anything large or small, feel free to call Sally or Annie.

Ms. Santora briefly gave her background in the publication industry over the past 25 years which has brought her to the Town of York on several occasions.

The Board thanked Ms. Santora for reaching out tonight.

### 2) Kirk Richenberg

Mr. Richenberg asked a number of questions this evening:

Q-Why is there an increase in the Consolidated Water Debt Service?

Supervisor Deming replied that it is part of the \$35 from the 2020 tax bill to this year's.

Q-Is the charge for Consolidated Water customers only?

Supervisor Deming answered that all water districts received this charge, not just Consolidated.

Q-Explain why in the budget from 2020-2021 there us an added revenue coming in but states the same figure from previous?

Supervisor Deming stated the he does not have his budget with him tonight to review the numbers.

Q-Page 2 of the budget, revenue/expenditures list all water districts under Consolidated Water, and have the same numbers in 2021 as in 2020?

Supervisor Deming commented that he can review the budget number with him after the meeting to see what is listed.

Q-Are there any individual businesses not in the district, getting water?

Supervisor Deming replied No, one business is interested, but the District has yet to be formed at this time.

Q-At the last Board Meeting, I asked about a procedure of checks and balances for the Engineering and Attorney fees, and how the invoices are verified?

Supervisor Deming answered that we are comparing and verifying invoices more closely for Attorney and Engineering services.

Q-Anyone outside of the Planning Board and Zoning Board Chairs allowed to contact the Attorney?

Mr. Campbell replied that both Chairmen (Mr. McIlroy and Mr. Connolly), as well as Mr. Worden, Mr. Peter and Clerk Harris may contact him directly.

\*\* Attorney Campbell commented to the Board that they have in the Town's presence consulting fees totaling \$28,000 from SolarPark, bringing them in current status.

Q. What is the status of the Boy Scout lawsuit?

Mr. Campbell answered that the Attorney is working through the Discovery process right now.

Q-Is there an audit conducted of the recycling center?

Supervisor Deming stated that the monies are counted from an attendant and then from Mrs. Barefoot each week.

Q-The calendar of Town Board meetings was listed previously on the website.

Clerk Harris replied that the yearly dates of the Board are listed. Mr. Richenberg was referring to an additional post listed on the main page of the site. Mrs. Harris stated that is something the web designer has done prior, but the actual calendar dates are listed in the proper location.

3) Henry Fuller

Mr. Fuller has a few questions for the Board this evening as well:

Q- I was informed a week ago that the lawyer & the Planning Board had a meeting, to have a Planning Board member recuse themselves, is that legal?

Attorney Campbell responded that it is permissible to hold a meeting for confidential purposes, which is what took place. He is not at liberty to discuss the nature of the discussion, but the meeting was legal.

Q- Aren't the members required to go to school each year?

Supervisor Deming & Mr. Campbell replied that members are required to receive credit training hours each year, some members obtain the minimum while others obtain additional certification that can be "banked" for the following year.

\*Note: When training is obtained by the member they are required to submit such certification to Clerk Harris in order to be documented and credited. Training classes can be obtained in person or online.

Q- I wasn't at the meeting when it was discussed that the Town Board met individually regarding the budget, why not meet as a group?

Supervisor Deming stated that was the way we proceeded this year to get board members thoughts and questions leading up to the Budget Hearing.

### **NEW BUSINESS**

#### 1) Petty Cash Audit:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the audit of the Water and Town Clerk Petty cash bins, conducted earlier this evening by Supervisor Deming. Voted on and approved, Yes-5, No-0.

#### 2) Court Audit:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the audit of court records and docket material provided by Court Clerk, Kimberly Reitz for Justices Thomas Porter and Daniel Koch, for the 2020 fiscal year. Voted on and approved, Yes-5, No-0.

#### 3) Solar discussion:

Attorney Campbell discussed with the Board that it might be time for them to consider updates to our solar regulations because things continue to change rather quickly.

Mr. Campbell stated we will continue to see more large scale solar applications on farm buildings as a 3<sup>rd</sup> party, selling power, and after speaking with Carl Peter (Zoning & Code Officer) about this, we feel our code is not equipped to handle them. The Town needs to determine what works well and work that still needs to be done, and suggested feedback from Dwight Kanyuck (Attorney from Knauf & Shaw).

Councilman Smith commented that he is surprised that so much roof top is being utilized, their farm has a lot of roof top as well, but the benefit did not come near to their needs to proceed. Mr. Smith stated we don't want to send the wrong message.

Mr. Peter added, for individual use our code has already addressed this but for profit purposes, we have nothing on the record.

Mr. Campbell stated you probably want more solar on roofs than in other locations but updating current regulations needs to be addressed.

A great deal of discussion took place on solar for commercial use and the need to fine-tune our existing wording.

Mr. Campbell stated once again that this industry is constantly changing and evolving and we need to make sure we are prepared.

Councilman Smith commented that he hopes Senator Gallivan is aware of what is happening with solar in Livingston County....Ms. Santora replied he is well aware.

Mr. Richenberg stated under Article 10, it states having a representative from each community?

Mr. Campbell replied that they have eliminated the community representative, the developer is required now to meet with a representative from the local municipality.

Mr. Campbell stated representatives from the White Creek project are preparing an agreement for the Town of York /White Creek for legal and engineering fees.

Mr. Richenberg asked if the Town was in possession of information of this project?

Supervisor Deming and Mr. Campbell replied we have received nothing regarding this project. Mr. Deming commented he did receive a post card at his residence pertaining to an upcoming informational zoom meeting, but it arrived two days after the scheduled meeting.

Mr. Richenberg questioned if there is a possibility they are targeting the immediate location only and should be made to inform all within the community?

Mr. Deming replied that the State only requires them to notify the immediate area within a one mile radius. We too expressed our desire to notify the entire community, but unfortunately it is not required.

Mr. Richenberg asked if any member of the Board has reached out for information ?

Supervisor Deming replied he has made contact with Joe Green of White Creek and will be sending out documentation to the Town including new maps for the Board to review.

Attorney Campbell stated we will need to look at all information and questioned whom may want to be involved with this next process... Town Board, Planning Board, Lance Brabant ...any thoughts? Mr. Campbell stated he is willing to assist in any way and at any level.

Supervisor Deming commented he is in favor of moving forward, but will need to discuss further who else will be part of the next step.

Mr. Richenberg suggested that someone from the community be involved as well, at which time Attorney Campbell inquired if Mr. Richenberg may be interested in participating. Mr. Richenberg did not wish to commit at this time.

Mr. Fuller asked if there is any update on the cheese factory ?

Supervisor Deming responded that people have looked at the facility but nothing has transpired.

**BILLS**

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

General Fund Claim	#1-22	\$ 15,750.14
Joint Water/Sewer	#1-20	\$ 19,900.06
Highway Fund	#1-13	\$ 3,712.94

**ADJOURNMENT**

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adjourn the Town Board Meeting until February 9<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 7:46 p.m.

Respectfully Submitted,  
*Christine M. Harris*  
Christine M. Harris, Clerk